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Craig A. Paulsen

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EXAMINER

NGUYEN, DAT

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/819,152

Applicant(s)

PAULSEN, CRAIG A.

Examiner

Dat T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 13-15, 30-44 and 55-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-15, 30-44 and 55-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/30/2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15, 30-44, 55-61, and 62-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. 6,110,041) in view of Walker et al. (U.S. 6,077,163) and Microsoft®Windows®95.

Walker discloses a method and system for adapting gaming devices to a player's playing preferences. In particular, a gaming machine is networked to a central server which receives preference data from a player and configures the gaming machine to match the received preference data. The player inserts an electronic player tracking card (or other "biometric" data is used) to authenticate that a particular player is on a machine by transmitting data to a central server. Once this data is authenticated the

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central server programs or configures the gaming machine to the player's preferences.

Walker additionally discloses:

Regarding Claims 1, 30, 38, 40, 42, 44, 55, 56, and 58:

- a master gaming controller (slot machine controller (310)) is configured to control one or more games played on the gaming machine and to request preference account information from a remote server (central server) (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, Column 7, line 47-Column 8, line 6, and Figures 1-11B); and
- a memory configured to store gaming software that allows the master gaming controller to request one or more different portions of the preference account information from the remote server (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, and Figures 1-11B);
- the preference account information comprises preferred gaming machine settings (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, and Figures 1-11B); and
- a user interface configured to display preferences, to receive selections, to display a preview of a game presentation using the preference selections, and to display information regarding one or more preferences in a group of available preferences, wherein the information regarding the one or more preferences and the preview of a game presentation allows one to compare the available preferences (Abstract, Figs. 5, 9, 10A, 11A, Column 2, lines 21-41, and Column 7, line 45-Column 8, line 6). First, Walker's

user interface has to display information regarding one or more preferences in a group of available preferences, otherwise, the characteristic, such as language, sound, or speed of reel spins as shown in fig. 5 would only have one option, which would be the default characteristic for the machine. No selections are required of a player on a machine that uses default preferences for a gaming machine. Second, as a minimum, a player is able to compare (preview) available preferences during game play. For instance, if the player has selected a "Loud" sound option (as shown in Fig. 5), but dislikes the loud sound effects in the game, the player can simply re-configure sound option in the player preference options to a "medium" or "low" sound, etc.

Regarding Claims 2, 38, and 39:

- two different portions of the preference account information are requested on the remote server (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, and Figures 1-11B).

Regarding Claims 3, 6, 30, 31, 34, and 57:

- the loyalty point account information comprises an amount of loyalty points rewarded during a particular event (Column 5, lines 42-60).

Regarding Claims 4 and 32:

- the particular event comprises a game play (Column 5, lines 42-60).

Regarding Claims 5 and 33:

- the loyalty account settings are selected based on a name or address (Figure 4).

Regarding Claims 7 and 35:

- the preferred game is a slot machine (Column 3, lines 61-64).

Regarding Claims 8, 9, 36, and 37:

- the preferred gaming features and settings are game presentation speed or game audio features (Column 5, lines 1-5).

Regarding Claims 10, 11, and 43:

- biometric input device designed to receive biometric information from a player, such as, a fingerprint or retina scan (Column 6, lines 47-61).

Regarding Claims 41 and 59:

- an interface (display screen (346)) designed to display preference account information (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, Column 7, line 47-Column 8, line 6, and Figures 1-11B).

Regarding Claim 13:

- the user interface is compatible with a web browser (Column 9, lines 27-35).

Regarding Claims 14, 15, and 40:

- one or more input devices designed to input preference account information, including a video touch screen, a card reader, keypad, etc. (Figures 3, and 9-11B, and Column 6, lines 39-61).

Regarding Claim 60:

- the information displayed regarding the one or more preferences includes a simulated game generated using one or more preference selections.  
(Column 6, lines 32-38 and Column 7, line 45-Column 8, line 31).

Regarding Claim 61:

- the information displayed regarding the one or more preferences includes an account summary (Figure 5).

Regarding Claim 67:

- the information displayed regarding one or more preferences includes a promotional opportunity (Figure 8 (Comp Rate, Comp Specs), column 3, lines 42-45, column 4, lines 49-64, and column 5, lines 32-36, and 42-60).

Regarding Claims 68 and 69:

- the information regarding one or more preferences in a group of available preferences includes information about an award (Claim 12).

Walker ('041) seems to lack explicitly stating:

Regarding Claims 1, 30, and 55:

- a simulated game presentation, wherein the simulated game presentation is for allowing a user to determined the effects of different game feature settings on the game presentation prior to initiating wagering game play on the gaming machine wherein the wager is not required to view the simulated game presentation.

Regarding Claim 62:

- the account summary includes points awarded for an activity.

Regarding Claim 63:

- the account summary includes one or more fields chosen from the group consisting of a date, a location, an activity, and points awarded for an activity.

Regarding Claim 64:

- the information displayed regarding the one or more player preferences includes award level categories.

Regarding Claim 65:

- each award level category includes one or more prizes that are redeemable at an award level corresponding to the award level category.

Regarding Claim 66:

- the user interface further comprises an information display area for displaying additional information for each of the prizes.

Walker ('163), like Walker ('041) teaches of a gaming device having player selectable preferences. Walker ('163) teaches of a player selecting preferences for playing a flat rate play session on a gaming device. Additionally, Walker ('163) teaches:

Regarding Claim 62:

- the account summary includes points awarded for an activity (Figure 4).

Regarding Claim 63:

- the account summary includes one or more fields chosen from the group consisting of a date, a location, an activity, and points awarded for an activity (Figure 5).



Regarding Claim 64:

- the information displayed regarding the one or more player preferences includes award level categories (1 coin, 2 coin, and 3 coin) (Figure 6).

Regarding Claim 65:

- each award level category includes one or more prizes that are redeemable at an award level corresponding to the award level category (Figure 6).

Regarding Claim 66:

- the user interface further comprises an information display area for displaying additional information (pay combination status) for each of the prizes (Figure 6).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the player playing preferences of Walker ('163) in Walker ('041). One would be motivated to do so such that a player could configure Walker ('041) to input a flat rate price based upon the at least one identified price parameter, and initiate a flat rate play session of the gaming device upon receiving an indication of payment of the flat rate price.

Microsoft®Windows®95, like Walker ('041), teaches of a system and method for updating a person's (player's) preferences on graphical user interface, such as a display monitor. In particular, in Microsoft®Windows®95 a user is able to change the display properties on the display to their own preferences. The display shows the pattern, background, wallpaper, or screen saver selected by the user prior to actually saving the

setting in order view how the pattern, background, wallpaper, or screen saver will actually look on the screen. Microsoft®Windows®95 teaches:

Regarding Claims 1, 30, and 55:

- a simulated game presentation, wherein the simulated game presentation is for allowing a user to determined the effects of different game feature settings on the game presentation prior to initiating wagering game play on the gaming machine wherein the wager is not required to view the simulated game presentation (Pages 12 and 61).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate features taught by Microsoft®Windows®95 Walker's gaming machine. One would be motivated to do so in order to see how the player selected preferences will look on the screen prior to actually saving the player selected preference.

### ***Response to Arguments***

Applicant's arguments filed 11/30/2006 have been fully considered but they are not persuasive.

Applicant alleges that the examiner has failed to establish the obviousness of combining the references. The examiner respectfully disagrees and reiterates the response made in the previous office action regarding the obviousness and motivations to combine the reference. Walker teaches preference selection menus analogous to that of the Windows reference. One would be motivated to combine the references

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because it would have been obvious to one of ordinary skill in the art that it would be desirable to provide the users with a preview of their selection options such as color combinations as taught by Windows. Applicant further contends that the examiner has used impermissible hindsight in reconstructing applicant's invention. The examiner again respectfully disagrees. The examiner believes that it would have been well within the knowledge and ability of one of ordinary skill in the art to combine the references given the obvious benefits of providing a settings preview feature of Windows.

Applicant further argues that there would be no reasonable expectation of success in the combination of the references since the combination of the references still require a wager for a player to preview the simulated game presentation. The examiner respectfully disagrees. Windows teaches allowing the user to preview the options prior to setting the options as the selection option and when combined with the Walker references would not require a wager to view the new selections.

Applicant requests the examiner to cite where, in the prior art references, the suggestion to combine the references to obtain "a simulated game presentation of a game of chance available for wagering game play on the gaming machine" may be found. The examiner has not indicated any reliance on the references for the motivation to combine, but rather relies on what is believed to be the knowledge generally available to one of ordinary skill in the art at the time of invention to modify the reference. The examiner believes that one of ordinary skill in the art of electronic gaming devices and more specifically devices with options selection menus would have at the very least

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known of the features provided by Windows at the time of invention and would have seen the benefits of allowing users to preview the selection options.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is (571) 272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen

A handwritten signature in black ink, appearing to read 'R. Pezzuto', with a stylized flourish extending from the end.

Robert E Pezzuto  
Supervisory Patent Examiner  
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